

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JUAN NIETO,

Plaintiff,

v.

ORDER

KARL HOFFMAN, MEREDITH MASHAK,
KIM CAMPBELL, DENISE VALERIUS,
KATHLEEN WHALEN, and SALAM SYED,

16-cv-163-jdp

Defendants.

Pro se plaintiff Juan Nieto, a prisoner in the custody of the Wisconsin Department of Corrections, is proceeding on deliberate indifference and medical malpractice claims against several medical providers at Columbia Correctional Institution. The case has been stayed for more than a year while the court has attempted to find counsel for Nieto. Dkt. 58. During that time, the court contacted members of the Western District of Wisconsin Bar Association and the Seventh Circuit Bar Association on numerous occasions to seek assistance for Nieto.

Unfortunately, no lawyer has agreed to take the case and the court has exhausted its options. There simply aren't enough lawyers in this district with the time, willingness, or expertise necessary to volunteer on behalf of the many pro se litigants seeking assistance. Nieto now has a choice: (1) proceed on his own without counsel; or (2) dismiss this case without prejudice.

If Nieto chooses the first option, I will direct the clerk of court to set a telephone conference with Magistrate Judge Stephen Crocker to determine a new schedule for the case. After that, it will be up to Nieto to determine how to litigate his claims. The court cannot provide legal advice.

If Nieto chooses to dismiss the case, the dismissal will be without prejudice, which means that Nieto could file a new case at a later date. However, the statute of limitations would continue to run. *Dupuy v. McEwen*, 495 F.3d 807, 810 (7th Cir. 2007) (“[W]hen a suit is dismissed without prejudice, the statute of limitations continues to run from the date (normally the date of the injury) on which the claim accrued.”).

ORDER

IT IS ORDERED that:

1. The stay in this case is LIFTED.
2. Plaintiff Juan Nieto may have until August 14, 2019 to inform the court in writing whether he wishes to: (1) continue litigating the case but without counsel; or (2) dismiss the case without prejudice.
3. If Nieto chooses the first option, the clerk of court will set a telephone scheduling conference with Magistrate Judge Crocker. If Nieto fails to respond by August 14, 2019, I will take his silence to mean that he is choosing the second option and I will direct the clerk of court to close the case.

Entered July 24, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge